

REMARKS

A replacement abstract is set forth on a separate sheet attached hereto. Please replace the original abstract with the replacement abstract. Accordingly, reconsideration of the objection to the disclosure is respectfully requested.

The rejections of claims 1, 3, 13, and 14 are moot in view of the cancellation of these claims. Reconsideration of the remaining rejections is respectfully requested in view of the amendments to the claims and the following remarks.

The rejections of the pending claims are all based on the reference to Turak, and it is submitted that this reference does not teach the invention and would have led one of ordinary skill in the art away from the claimed invention. A basic concept behind the invention is that the larger part of the backing plate, which is the larger source of vibrations, is made of damped steel, while a smaller part is made of stronger steel for resisting the braking forces. The Turak structure is based on a very different concept, where the larger part is not of damped material, and a smaller, peripheral edge portion is made of plastic. The part of the Turak structure that the office action refers to as the “abutment plate” is actually the major part of the structure, whereas in the invention it is the smaller part. Furthermore, Turak states that the vibration is either reduced by the outer, smaller part (see column 3 at lines 57-59) or by the interaction between the first and second parts (see column 4 at lines 36-38). Thus, Turak lacks the concept of the invention that the major part of the backing plate is of vibration dampening material, and a smaller part is used only for strength. Instead, Turak teaches one to proceed in the direction

where the major part requires strength and a minor part is used for dampening, which would not have led one of ordinary skill in the art to the invention.

Claims 4 and 9 have been amended to contain the recitation that the area occupied by the abutment plate is smaller than that occupied by the shielding plate and also that the shielding plate is designed to support a hydraulic cylinder. This structure is clearly disclosed in the application as filed and patentably distinguishes the invention from the art of record. As noted above, the Turak reference teaches a very different structure where the “shielding” plate is only a small peripheral part, and the “abutment” plate, which is not of dampening material, occupies the major part of the structure and supports the hydraulic cylinder. Thus, even if the peripheral “shielding” part of Turak were made of damped steel, the result would not be the invention, and nothing in Turak would have led one to the claimed invention.

Claim 15 states that the shielding plate supports the brake shoes and is made of dampening material. Turak teaches that the “abutment” plate 30 supports the brake shoes while the “shielding” plate 32 supports nothing. Thus, Turak does not teach the invention as claimed and would not have led one of ordinary skill in the art to the invention as claimed.

Turak teaches away from the invention, and nothing in Hansen would have led one of ordinary skill in the art to modify Turak to obtain the invention. At best, Hansen would have led one of ordinary skill to make the peripheral part 32 of Turak of damped steel, which is not the invention.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

All necessary extensions of time are requested. Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,
CLARK & BRODY



Conrad J. Clark
Reg. No. 30,340

Suite 600
1750 K Street NW
Washington, DC 20006
202-835-1111
202-835-1755 (fax)
July 15, 2004